

DECLARATION OF EMERGENCY REGULATIONS No. 6 AMENDING DECLARATION OF EMERGENCY REGULATIONS No. 4

(COVID-19 State of Emergency - April 27, 2020)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza;

WHEREAS, in December of 2019, a new and substantial outbreak of COVID- 19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, and more specifically Lee County;

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic;

WHEREAS, the Centers for Disease Control and Prevention (CDC) is predicting that widespread transmission of COVID-19 will occur in the United States;

WHEREAS, no vaccine or drug is currently available to cure or combat COVID-19;

WHEREAS, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19;

WHEREAS, President Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease - COVID-19 Outbreak;

WHEREAS, the President of the United States has extended the CDC's nationwide social distancing guidelines through the end of the month of April 2020;

WHEREAS, COVID-19 threatens the Town of Fort Myers Beach because of the ability of the virus to spread rapidly, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the residents and visitors of the Town of Fort

Myers Beach;

WHEREAS, according to information from the Center for Disease Control and Prevention, Public Health Professionals, and the 2010 Federal Census the Town of Fort Myers Beach is an "at-risk" community for severe or critical reactions to COVID-19 infections;

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19 in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19;

WHEREAS, due to the intensity of COVID-19 in other hot spots in the nation, the Governor of Florida has imposed additional screening measures for travelers departing from hot spots, see, Executive Orders 2020-80 and 2020-82;

WHEREAS, vacation rentals and third-party platforms advertising vacation rentals in Florida present attractive lodging destinations for individuals coming into Florida;

WHEREAS, the Governor of Florida issued Executive Order No. 20-87 ordering all parties engaged in rental of vacation rental properties to suspend vacation rental operations, prohibiting the making of new reservations or bookings, and accepting new guests for check-in for the duration of Executive Order No. 20-87;

WHEREAS, the Governor of Florida issued Executive Orders No. 20-91 and 20-92 instituting a state-wide "safer at home" guidelines and ordering "all persons in Florida [to] limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities";

WHEREAS, "essential services" means and encompasses the list detailed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, v. 2 (March 28, 2020) and any subsequent lists published; and also include those businesses and activities designated by Executive Order 20-89 and a list propounded by Miami-Dade County in multiple orders;

WHEREAS, Miami-Dade County currently lists "hotels and commercial lodging establishments" as an "essential services", but with significant restrictions as set forth herein;

WHEREAS, in accordance with Sections 252.38 and 252.46, *Florida Statutes*, and Sections 12-19 through 12-25 of the Code of Ordinances of the Town of Fort Myers Beach, Florida, the Town Council of the Town of Fort Myers Beach adopted Resolution 20-13, declaring a state of emergency regarding COVID-19, and authorizing the **"taking [of] whatever prudent action is necessary to ensure the health, safety, and welfare of the community"**;

WHEREAS, on March 30, 2020, the Fort Myers Beach Town Council adopted Emergency Declaration No. 2, attached hereto as Composite Exhibit "A", which closed all hotels, motels, and all other public lodging establishments as set forth therein;

WHEREAS, on April 3, 2020, the Fort Myers Beach Town Council adopted Emergency Declaration No. 4 amending Declaration No. 2, attached hereto as Composite Exhibit "A", which closed all hotels, motels, and all other public lodging establishments as set forth therein;

WHEREAS, the Governor's Executive Orders No. 20-87, No. 20-91, and No. 20-92 are scheduled to expire on April 30, 2020;

WHEREAS, the Town Council amends Emergency Declaration No. 4 to read as set forth herein.

NOW, THEREFORE IT IS ORDERED:

1. Effective March 30, 2020, all parties engaged in the rental of public lodging establishments as defined in §509.013(4)(a), *Florida Statutes*, operation of a recreational vehicle park as defined in §513.01(11), *Florida Statutes*, and any vacation and timeshare accommodations as defined in §721.05(1), *Florida Statutes*, engaged in rentals or occupancy of less than 30 days shall:
 - (a) Cancel all existing reservations and not extend existing stays, nor accept new guests.
 - (b) Any guests of such accommodations that have checked in as of 11:59 PM, Monday, March 30, 2020, may remain for the duration of their stay.
2. This closure order includes single-family or multi-family homes, condominiums, timeshares, or vacation rentals, and any other place of public accommodation for lodging, including any bed and breakfast, resort housing, inn, hotel, motel, recreational vehicle park or other establishment engaged in rentals or transient occupancy of less than 30 days.
3. This closure order does not apply to the rental or transient occupancy of any public lodging establishments, recreational vehicle park or any vacation and timeshare accommodation to the following individuals providing verifiable evidence of their status as:
 - (a) Healthcare professionals providing Covid-19 related healthcare services to the Town or its residents and visitors.
 - (b) First responders providing Covid-19 related services to the

Town or its residents and visitors.

- (c) National Guard members providing Covid-19 related services to the Town or its residents and visitors.
 - (d) Law enforcement officers providing Covid-19 related services to the Town and its residents and visitors.
 - (e) State or federal government employees providing Covid-19 related services to the Town and its residents and visitors.
 - (f) Journalists reporting on Covid-19 related issues in the Town.
 - (g) Others responding to the COVID-19 pandemic to assist the Town, or its residents and visitors.
 - (h) Displaced Town employees or residents.
 - (i) Town visitors unable to return to their home due to COVID-19 impacts on travel.
 - (j) Town residents who must vacate their homes due to exigent circumstances, such as fire or flood.
 - (k) Town residents utilizing hotels as transitional living arrangements.
 - (l) Town residents sheltering in hotels due to domestic violence.
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- (m) Fort Myers Beach public lodging employees, service providers, and contractors.
4. Notwithstanding the foregoing, all parties engaged in the rental of public lodging establishments as defined herein may accept reservations commencing on May 15, 2020, for stays commencing on or after May 15, 2020 subject to the following:
- (a) Deposits on reservations must be 100% refundable and no change fees may be charged in the event of reservation cancellations or modifications.
5. All residents and visitors of the Town of Fort Myers Beach are directed to comply with these emergency regulations and necessary measures, which

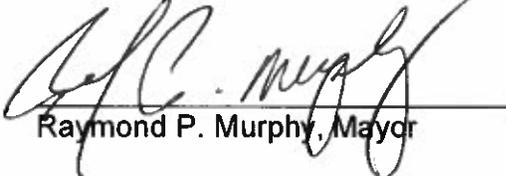
shall be strictly enforced, and to cooperate with public officials and public safety personnel in executing any emergency operational plans, and to obey and comply with the lawful direction of all properly identified public officers.

6. In accordance with applicable state law, Sections 1-12 and 12-25 of the Code of Ordinances of the Town of Fort Myers Beach and Article V of Chapter 2 of the Land Development Code of Fort Myers Beach, any violation of any rule or regulation issued and set forth herein may be punishable by a fine of up to \$5000.
7. This Emergency Declaration amends and supersedes Emergency Declaration No. 4; it does not modify or otherwise supersede any other prior Emergency Declaration.

This Emergency Declaration is effective immediately and shall stay in effect until May 14, 2020 at 11:59 p.m., or the expiration of the Governor's Executive Orders No. 20-87, No. 20-91, and No. 20-92, whichever occurs first.

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	aye
Jim Atterholt, Council Member	aye
Bill Veach, Council Member	nay

TOWN OF FORT MYERS BEACH


Raymond P. Murphy, Mayor

ATTEST:


Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:



John R. Herin, Jr., Town Attorney

This Declaration was filed in the Office of the Town Clerk on this 30th day of April 2020
[see, §252.46(2), Fla. Stat.]. Michelle D. Mayher, Town Clerk

DECLARATION OF EMERGENCY REGULATIONS No. 2

(COVID-19 State of Emergency - March 29, 2020)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza; and

WHEREAS, in December of 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, and more specifically Lee County and 30 other counties in the State of Florida; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and

WHEREAS, President Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) is predicting that it is likely that widespread transmission of COVID-19 will also occur in the United States; and

WHEREAS, no vaccine or drug is currently available to cure or combat COVID-19;
and

WHEREAS, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19;

WHEREAS, according to information from the Center for Disease Control and Prevention, Public Health Professionals, and the 2010 Federal Census the Town of Fort Myers Beach is an "at-risk" community for severe or critical reactions to COVID-19 infections, and

WHEREAS, the Town of Fort Myers Beach is threatened by COVID-19 because of the ability of the virus to spread rapidly among humans, COVID-19 thereby constitutes

a clear and present threat to the health, safety, and welfare of the residents and visitors of the Town of Fort Myers Beach; and

WHEREAS, the number of confirmed COVID-19 cases continues to rise throughout the country, the State of Florida, and Lee County, with at least 1 confirmed case in the Town of Fort Myers Beach (according to the Florida Department of Health report issued March 28, 2020); and

WHEREAS, the CDC has cautioned against non-essential travel within the United States; and

WHEREAS, Florida is experiencing an increase in individuals fleeing to Florida from out-of-state locations where "shelter-in-place" orders are being implemented and community spread exists; and

WHEREAS, many cases of COVID-19 in Florida have resulted from individuals coming into the State of Florida from international travel and other states, posing great risk to Florida residents; and

WHEREAS, vacation rentals and third-party platforms advertising vacation rentals in Florida present attractive lodging destinations for individuals coming into Florida; and

WHEREAS, Governor DeSantis has issued numerous Executive Orders regarding the Covid-19 pandemic, including Executive Order No. 20-87 ordering all parties engaged in rental of vacation rental properties to suspend vacation rental operations, prohibiting the making of new reservations or bookings, and accepting new guests for check-in for the duration of Executive Order No. 20-87; and

WHEREAS, in accordance with Section 252.38, *Florida Statutes*, the Town Council of the Town of Fort Myers Beach adopted Resolution 20-13, declaring a state of emergency regarding COVID-19, and authorizing **taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community**"; and

WHEREAS, pursuant to Town of Fort Myers Beach Charter and Sections 12-19 through 12-25 of the Code of Ordinances of the Town of Fort Myers Beach, Florida, the Town Council of the Town of Fort Myers Beach is empowered to take all prudent actions necessary to ensure the health, safety and welfare of the community.

NOW, THEREFORE IT IS ORDERED:

1. All parties engaged in the rental of public lodging establishments as defined in §509.013(4)(a), *Florida Statutes* as transient or non-transient lodging, and any vacation and timeshare accommodations as defined in §721.05(1), *Florida Statutes*, shall cancel all existing reservations and not extend existing stays, nor accept new guests or new reservations for the duration of this Declaration. Any guests of such accommodations

that have checked in as of 11:59 PM, Monday, March 30, 2020, may remain for the duration of their stay. This closure order includes but is not limited to single-family or multi-family homes, condominiums, timeshares, or vacation rentals, and any other place of public accommodation for lodging, including any bed and breakfast, resort housing, inn, hotel, motel, or other establishment that provides lodging to transient guests. This prohibition does not affect the ability of an owner of a condominium, single family or multi-unit property from staying in his or her own property for some or all of the restricted period, excluding timeshares; nor any lodging of first responders or employees.

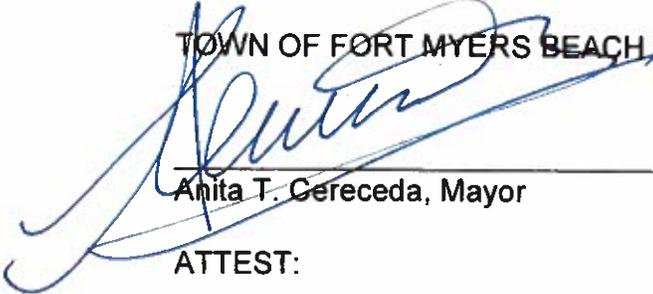
2. All residents and visitors of the Town of Fort Myers Beach are directed to comply with these emergency regulations and necessary measures, which shall be strictly enforced, and to cooperate with public officials and public safety personnel in executing any emergency operational plans, and to obey and comply with the lawful direction of all properly identified public officers.
3. In accordance with applicable state law, Sections 1-12 and 12-25 of the Code of Ordinances of the Town of Fort Myers Beach and Article V of Chapter 2 of the Land Development Code of Fort Myers Beach, any violation of any rule or regulation issued and set forth herein may be punishable by a fine of up to \$5000.
4. This Emergency Declaration does not modify or otherwise supersede any prior Emergency Declaration.

This Emergency Declaration will be effective immediately and stay in effect for ninety (90) days.

Anita T. Cereceda, Mayor	aye
Ray Murphy, Vice Mayor	aye
Joanne Shamp, Councilmember	aye
Rexann Hosafros, Councilmember	aye
Bruce Butcher, Councilmember	aye

ADOPTED this 30th day of March, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



Anita T. Cereceda, Mayor

ATTEST:



Michelle D. Mayner, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:



John R. Herin, Jr., Town Attorney